

Air Transport Association

December 30, 1998

Mr. H. Clayton Foushee  
Vice President-Regulatory Affairs  
Northwest Airlines  
901 15<sup>th</sup> Street, N.W. Suite 310  
Washington, DC 20005

Dear Clay:

As co-chairman of the Aviation Rulemaking Advisory Committee (ARAC) Working Group on Pilot Reserve Rest, you are aware that the final meeting of that group was held on December 2, 1998. The working group was originally given a task deadline of October, but that date was extended until December. Notwithstanding the extension and despite a good-faith effort from all who participated, a consensus position was not reached.

The ATA reserve rest proposal, discussed at length during the ARAC Working Group meetings, effectively addresses the issue of prospective rest for pilots in reserve status. Attached is the final ATA proposal, which represents the collective position of our member airlines. Our proposal calls for a Protected Time Period (PTP) for each reserve pilot of a minimum of eight consecutive hours. This period of pre-scheduled rest is time when a pilot is free from all duty and has no present responsibility for work. ATA operators anticipate that the majority of reserve pilots will fall into this category.

By definition, reserve pilots are needed to protect schedule integrity when unpredictable events occur. To account for these irregularities, ATA operators require greater flexibility than is afforded by simply scheduling reserve pilots with protected rest periods. Therefore, a system is needed that provides both the flexibility necessary to maintain a reliable operation that meets consumer needs, and that also provides reserve pilots an opportunity for rest.

FAA interpretations have consistently stated that if the time between notification for a flight assignment and reporting for duty were of sufficient length to meet existing rest requirements, then that period would qualify as an opportunity for rest. The ATA

proposal includes a provision that provides the pilot with a minimum ten-hour advance notification. Once notified, the pilot would be free from reserve status and all responsibility for work. Notification under the advance notice concept would permit the pilot to be utilized for any legal flight assignment because the pilot has an opportunity for full rest prior to reporting for the assignment.

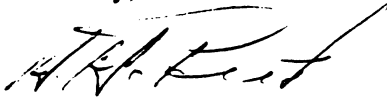
It is worth noting that the advance notice proposal is not without additional complexity or cost. As stated earlier, our members have indicated that that most reserve pilots will be provided with pre-scheduled or protected rest periods (PTP). A review of historical reserve utilization appears to support this hypothesis.

In order to provide a limit to the time, in which a pilot may be utilized in a specific reserve or duty assignment, a concept called Reserve Availability Period (RAP) is included in the ATA proposal. This limits the pilot's assignment to nineteen hours from the end of the previous protected rest period.

*Note: The 19 hour proposed maximum Reserve Availability Period (RAP) is consistent with the 16 hour period between consecutive Protected Time Periods (PTP) plus the ability to reschedule the subsequent PTP by 3 hours. Any maximum PAP of less than 19 hours cannot be justified and will have considerable economic impact on operators.*

In summary, the ATA Reserve Rest proposal satisfies the ARAC task assignment as it appeared in the July 9, Federal Register. Reserve pilots are provided with an opportunity for prospective rest that is not available to them under the current rule. This proposal also provides a solution to reserve rest that is consistent with a long list of FAA interpretations. In developing this proposal, ATA member airlines considered many factors including safety, effectiveness, flexibility, cost, administration, compliance and FAA enforcement.

Sincerely,

*for:* 

Captain Paul Railsback  
Chairman, ATA Reserve Rest  
Task Force

Encl.

## ARAC Reserve Duty and Rest Requirements Working Group

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### DEFINITIONS

The following definitions for *rest* and *duty* apply to Subparts Q, R, and S and are identical to existing definitions in Subpart P.

**Duty Period** - The period of elapsed time between reporting for an assignment involving flight time and release from that assignment by the certificate holder conducting domestic, flag or supplemental operations. The time is calculated using either Coordinated Universal Time or local time to reflect the total elapsed time.

**Protected Time Period (PTP)** - A period of time during a reserve assignment that provides a flight crewmember with an opportunity to rest. A certificate holder may not contact a flight crewmember during his or her PTP, and a crewmember may not have responsibility for work during his/her PTP.

**Reserve Availability Period (RAP)** - The period of time from the end of one protected time period to the time that the reserve flight crewmember must complete reserve or flight duty and start his/her next PTP.

**Reserve Flight Crewmember** - A flight crewmember that does not have a flight duty assignment and has a present responsibility for flight duty if called, but who is not on standby duty

**Rest Period** - The period free of all restraint or duty for a certificate holder conducting domestic, flag or supplemental operations and free of all responsibility for work or duty should the occasion arise.

**Standby Duty** - A period of time when a flight crewmember is required to report for a flight assignment in less than 1 hour from the time of notification. It also includes time when a flight crewmember is required to report to and remain at a specific facility (e.g. airport, crew lounge) designated by the certificate holder. Standby duty is considered part of a duty period. Standby duty ends when the flight crewmember is relieved from duty associated with an actual flight, or is otherwise relieved from duty.

## **ARAC Reserve Duty and Rest Requirements Working Group**

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### **RESERVE REST PROPOSAL**

#### **PART 121, SCHEDULED**

##### **Rest Period:**

Each flight crewmember assigned to reserve duty will be provided with a scheduled rest period of at least eight consecutive hours during each reserve day, free of all duty with the carrier, so that the flight crewmember will have an opportunity to rest.

- The carrier may reschedule the rest period by as much as three hours earlier or later than the beginning time of the preceding rest period provided that notice is given prior to commencement of the next scheduled rest period.
- The carrier may reschedule the rest period with at least ten hours advance notice prior to the commencement of the next scheduled rest period.

##### **Advance Notice:**

Advance notice to a reserve flight crewmember of a flight assignment by the air carrier provides the flight crewmember an opportunity for rest.

- If the reserve flight crewmember is provided with 10 or more hours advance notice, that flight crewmember may be assigned any legal flight assignment.
- Contact may not be made with the reserve flight crewmember during a scheduled rest period for the purpose of providing advance notice.

##### **Reserve Availability Period:**

The Reserve Availability Period is the period of time from the end of the rest period to the time that the reserve flight crewmember must complete reserve or flight duty.

The reserve flight crewmember's reserve availability period may not exceed 19 hours except as permitted below. Actual flight duty time may be extended an additional two hours for reasons beyond the control of the air carrier such as weather, ATC, or mechanical delays. With advance notice of less than ten hours, the reserve availability period may be adjusted as follows, allowing for an opportunity for rest in preparation for the assignment:

- If at least 8 hours notice is given, the scheduled reserve availability period may not exceed 24 hours, except that the actual reserve availability period may be extended an additional 2 hours due to operational circumstances beyond the control of the operator.

- If at least 6 hours notice is given, the scheduled reserve availability period may not exceed 22 hours, except that the actual reserve availability period may be extended an additional 2 hours due to operational circumstances beyond the control of the operator.
- If at least 4 hours notice is given, the scheduled reserve availability period may not exceed 20 hours, except that the actual reserve availability period may be extended an additional 2 hours due to operational circumstances beyond the control of the operator.

The above reserve Availability Rules apply to international flights except where the reserve flight crewmember is assigned to an augmented crew, in which case, the flight and duty time rules of §121.483 and §121.485 apply for the entire flight duty assignment.

\* \* \*

**Attachment 2**

**Alternative Reserve Duty and Rest Proposal  
for Non-Scheduled Operations**

(a) A certificate holder may apply the following reserve scheme for non-scheduled operations in lieu of the protected time reserve scheduling requirements for domestic or flag operations.

(b) Each flight crewmember must be given a 10-hour rest period before any reserve time assignment.

(c) If the reserve flight crewmember is provided with 10 or more hours advance notice, that flight crewmember may be assigned any legal flight assignment.

(d) The certificate holder may provide advance notice of an assignment to duty involving flight and provide an additional time of not less than one hour to report with the following limitations.

(1) If at least 8 hours advance notice is given, the scheduled duty period is limited to 12 hours, but may be extended to 14 hours for operational delays.

(2) If at least 6 hours notice is given, the scheduled duty period is limited to 10 hours, but may be extended to 12 for operational delays.

(3) If at least 4 hours notice is given, the scheduled duty period is limited to 8 hours, but may be extended to 10 for operational delays.

(4) If less than 4 hours notice is given, the scheduled duty period is limited to 7 hours, but may be extended to 8 for operational delays.

(e) The certificate holder must relieve the crewmember from all further responsibilities between advance notice and report time. [End]